

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

HENRICO COUNTY SCHOOL
BOARD,

Plaintiff,

v.

Civil Action No. 3:18cv110

GREGORY MATTHEWS,
et al.,

Defendants.

ORDER

Having considered the MOTION TO QUASH SUBPOENA DUCES TECUM (ECF No. 84) filed by Kandise N. Lucas, appearing *pro se*, the subpoena duces tecum, the information filed in support of Ms. Lucas' motion, PLAINTIFF'S RESPONSE TO MOTION TO QUASH SUBPOENA DUCES TECUM FILED BY SA'AD EL-AMIN (ECF No. 94), and KANDISE N. LUCAS' REPLY TO PLAINTIFF'S RESPONSE TO MOTION TO QUASH SUBPOENA DUCES TECUM (ECF No. 97), it is hereby ORDERED that the MOTION TO QUASH SUBPOENA DUCES TECUM (ECF No. 84) is denied because:

(1) the requested information is relevant and reasonably calculated to lead to discovery of admissible evidence and is also highly pertinent to a dispositive issue in the case; and

(2) as to the objections to requests 14 and 17 through 22, Ms. Lucas is not an attorney and, therefore, can invoke neither the attorney-client privilege nor the work product doctrine; and

(3) as to the objections to requests 14 and 17 through 22, contrary to Ms. Lucas' assertion, the Virginia statute allowing the assistance of representatives such as Ms. Lucas in administrative hearings, no Virginia statute or regulation confers any privilege upon communications between Ms. Lucas and the defendants; and

(4) even if there was a privilege that Ms. Lucas could claim, the crime-fraud exception would cause the privilege to fail because the Plaintiff has made out a *prima facie* case of fraud.

It is further ORDERED that the broad and general objections to subpoena items 3 through 14 are so vague as to be invalid objections; and, in any event, there is no legal authority offered in support of those objections.

It is further ORDERED that the requested documents shall be provided for the period January 1, 2018 through the date of the subpoena *duces tecum* because the record establishes that to be a reasonable period of time.

It is further ORDERED that the objection to document request 23 in the subpoena *duces tecum* as overly broad is overruled.

It is further ORDERED that production of the documents shall be accomplished not later than August 15, 2018.

It is further ORDERED that, by August 16, 2018, Ms. Lucas shall file a sworn written certification that she has provided the information requested in the subpoena *duces tecum* and that she has fully complied with the ORDER.

Ms. Lucas is advised that failure to comply with the requirements of this ORDER could subject her to sanctions, including, without limitation, a citation for contempt, fines, and assessment of fees and costs.

It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

The Clerk is directed to send a copy of this Order to Ms. Kandise N. Lucas by electronic mail to the e-mail address reflected on her MOTION TO QUASH SUBPOENA DUCES TECUM.

It is so ORDERED.

/s/

Robert E. Payne
Senior United States District Judge

REP

Richmond, Virginia
Date: August 8, 2018